REMARKS

Reconsideration of this application is respectfully requested. Claims 6, 7, 8, 12, 13 and 14 have been previously canceled. As such, claims 1-5 and 9-11 are in this application and are presented for the Examiner's consideration in view of the following comments.

At the outset, Applicants respectfully note that the Official Action still incorrectly refers to claims that were canceled in Applicants' PCT Article 19 amendment prior to entry into the US national phase. Applicants request the record be updated accordingly so that there is no confusion on appeal.

With regard to the rejection of the claims under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication 2005/0068918 published March 31, 2005 to Mantravadi et al. (*Mantravadi*), Applicants' respectfully still disagree.

Applicants incorporate by reference Applicants' arguments in Applicants' response filed on 29th October 2010. In addition, Applicants offer the following additional arguments.

The Examiner argues that *Mantravadi* already describes a combined signal space with respect to the enhancement layer and computes the LLR based on that combined signal (842b). However, the Examiner is respectfully wrong. First, Applicants note that Receiver 220i shown in FIG. 8B, of *Mantravadi*, **separates** the base stream from the enhancement stream in RX Spatial Processor 360b. In particular:

> [w]ithin RX spatial processor 360b, demultiplexers 810a and 810b receive and demultiplex the received symbol streams $\{y_1\}$ and $\{y_2\}$, respectively, as described above for FIG. 8A.
>
> *Mantravadi*, paragraph [0250]; emphasis added.

In addition, detector 822a shown in FIG. 8, of *Mantravadi*, specifically provides data symbol estimates for the base layer. As such, this is not a combined signal space, but **an estimate of the received symbol for the base layer**. In particular,

> Detector 822a provides data symbol estimates $\{\hat{s}_b^i\}$ for the data packet being recovered.

Mantravadi, paragraph [0250]; emphasis added.

Where the subscript "b" clearly denotes the base layer. Likewise, detector 822b shown in FIG. 8, of *Mantravadi*, specifically provides data symbol estimates for the enhancement layer, i.e., $\{\hat{s}_e^i\}$, where the subscript "e" clearly denotes the enhancement layer. As such, Applicants respectfully submit that LLR Computation 842b shown in FIG. 8, of *Mantravadi*, does not receive both the enhancement stream and the base stream as asserted by the Examiner. Instead, and as described in *Mantravadi*, LLR Computation 842b shown in FIG. 8, of *Mantravadi*, only receives the estimated symbols for the enhancement layer. As known in the art, an estimated symbol is selected from the symbol constellation used for transmission – in this case, the symbol constellation used for the enhancement layer. (*Mantravadi*, paragraph [106].)

In view of the above, independent claim 1 is not anticipated, or suggested, by *Mantravadi*. As such, dependent claims 2-5 are also in condition for allowance.

Similar comments apply to Applicants' claim 9. As such, dependent claims 10 and 11 are also in condition for allowance.

Applicants respectfully submit that the remaining rejections of the originally filed claims are overcome by the currently amended claims and for the reasons stated above with respect to Applicants' independent claims 1 and 9.

As it is believed that all of the objections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicants' attorney in order to overcome any additional objections that the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefor.

Respectfully submitted
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